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Attorneys for ROE CL Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No.: 3:23-md-03084-CRB

Hon. Charles R. Breyer

This Document Relates to:

*Jane Roe CL 178 v. Uber Technologies,
Inc., et al., No. 3:25-cv-05537-CRB*

*Jane Roe CL 179 v. Uber Technologies,
Inc., et al., No. 3:25-cv-05538-CRB*

*Jane Roe CL 181 v. Uber Technologies,
Inc., et al., No. 3:25-cv-05633-CRB*

*Jane Roe CL 182 v. Uber Technologies,
Inc., et al., No. 3:25-cv-05628-CRB*

**PLAINTIFFS' MEMORANDUM IN
SUPPORT OF OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS
CASES FOR FAILURE TO COMPLY
WITH PTO 5**

Date: November 7, 2025
Time: 10:00 a.m.
Courtroom: 6 – 17th Floor

I. INTRODUCTION

On September 26, 2025, Defendants filed a Motion to Dismiss cases of Plaintiffs who did not file a bona fide trip receipt or ride form in connection with Pretrial Order (“PTO”) 5. (Doc. 4027). Counsel acknowledges and understands that under PTO 5, the court created procedures and deadlines to produce a bona fide trip receipt, or in the alternative complete a form that

1 identifies information Defendants can utilize to find the referenced ride, along with an
2 explanation for its unavailability. (Doc. 175, at 2-3).

3 Defendants' Motion argues that Plaintiffs have willfully violated this requirement and thus
4 deserve dismissal. However, during the course of litigation, there are a number of reasons a client
5 may become unavailable and unable to produce documents or information needed. Failure to
6 provide the information by a certain deadline does not mean a Plaintiff has willfully chosen not to
7 participate in their case. Counsel has undergone extensive efforts to find these clients and assist
8 them, predating Defendants' Motion. (Domer Decl. at ¶ 4).

9 II. ARGUMENT

10 Counsel has diligently worked on communicating with clients to try to ascertain the
11 missing information needed to complete a PTO 5 document or assist the client in finding a bona
12 fide trip receipt. As indicated, there are many circumstances that may occur to render information
13 not readily available to comply with PTO 5 discovery obligations. For example, Plaintiff contact
14 information changes, or friends who may have ordered referenced rides also lose touch with
15 Plaintiffs as life or circumstances change. New contact information or changing friendships does
16 not mean a Plaintiff has willfully disregarded their obligation. However, it does mean that
17 additional steps may need to be taken to locate information or assist clients in locating
18 information required to comply with PTO 5. These Plaintiffs do not therefore deserve to have
19 their cases dismissed with prejudice as a result. Counsel will continue to reach out to Plaintiffs as
20 described in the attached Declaration.

21 III. CONCLUSION

22 For the foregoing reasons, Plaintiffs Jane Roes CL 178, 179, 181, and 182 should not be
23 dismissed with prejudice as Counsel diligently continues to try to reach them.

24
25 Dated: October 10, 2025

CUTTER LAW P.C.

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27 By: /s/ Jennifer S. Domer

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CERTIFICATE OF SERVICE

I hereby certify that, on October 10, 2025, I electronically filed the following with the Clerk of the Court using the CM/ECF system, which will send notification of such filing via electronic mail to all counsel of record as maintained in the CM/ECF electronic system.

Dated: October 10, 2025

CUTTER LAW P.C.

By: /s/ Jennifer S. Domer

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